

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 CalWORKs Domestic Partners Rights and Responsibilities

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held September 13, 2006 as follows:

September 13, 2006
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 13, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures (MPP), Eligibility and Assistance Standards (EAS); Division 40, Reception and Application, Section 40-118 Who Must Be Included on the Statement of Facts (Filing Unit); Division 43, Responsible Relatives, Section 43-103 (Definitions for Purposes of Support Responsibility); Division 44, Standards of Assistance, Section 44-209 (Identification of Persons for Claiming of Financial Participation); Division 80, Implementation Schedule, Section 80-301 (Definitions); and Division 82, Conditions of Eligibility, Cooperation and Sanctions, Section 82-808 (Caretaker Relative Requirements).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The enactment of Assembly Bill (AB) 205 (Chapter 421, Statutes of 2003) added Family Code Sections 297.5 and 299.2 and amended Family Code Section 298.5, giving California registered domestic partners the same rights protections, benefits, responsibilities, obligations and duties as spouses with certain exceptions. Currently, the CalWORKs Manual of Policy and Procedures regulations treat a domestic partners as an adult male/female having no relationship to their partner or the child of their partner. As a result of the changes in the Family Code, registered domestic partners now have the same rights and obligations with respect to a partner's child as would apply to a stepparent or former stepparent of a child. The proposed regulations will amend CalWORKs regulations to give California registered domestic partners these rights and obligations within the CalWORKs program.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 175000) of Division 4 of the Government Code or Article XIIB, Section 6 of the California Constitution, because implementation of the regulations will result in no costs or savings.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Sections 297.5(a)-(d) and 298.5 of the Family Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Sonya Mangabay	(916) 657-2586
Backup:	Alison Garcia	(916) 657-2586